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EXAMINER

HERNANDEZ, NELSON D

ART UNIT	PAPER NUMBER
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2622

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10/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/071,836

Applicant(s)

TOYODA ET AL.

Examiner

Nelson D. Hernández Hernández

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 48-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 48-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Response to Arguments

2. In view of the Appeal Brief filed on August 4, 2008, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Lin Ye/

Supervisory Patent Examiner, Art Unit 2622

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Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 48** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. **Claim 48** recites the limitation "... the outputting unit automatically associates the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data, and outputs, to the image forming apparatus, the image forming instruction mode in association with the image data such that the image forming apparatus uses, automatically, the selected piece of image forming instruction information when forming the visible image based on the image data". An image forming instruction **mode** is not present in claim 1. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the limitations will be read as "the image forming instruction **information**".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1-21, and 48-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Ichikawa, US Patent 6,850,271 B1.**

8. **Regarding claim 1**, Ichikawa discloses an electronic camera (*See camera 50 as shown in figs. 1 and 3*), comprising:

an image capturing unit (*Fig. 3: 10*) capturing an image of a subject, and
outputting an image signal (*Col. 4, lines 13-24; col. 6, lines 62-65*);

an image processing unit (*AE/AWB circuit 12, A/D converter 14, Linear Matrix 16, gamma conversion 18, RGB to YCrCb conversion circuit 20, contour correction 22, YCrCb Matrix 24 and compression circuit 26 as shown in fig. 3*) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit (*See col. 4, lines 13-64*);

a setting unit (*See figs. 3: 84 and 5A: 84*) setting an image capturing condition for capturing the image of the subject (*Ichikawa discloses that the camera can be set into automatic mode by setting the dial 84 into automatic mode (represented by letter "A"; see also fig. 5A: 84C), in which the camera would capture the image data and automatically perform a series of image processing to the captured image data. Ichikawa also discloses that the camera*

can be set into a manual operation mode by setting the dial 84 into manual mode (represented by letter "M"; see also fig. 5A: 84D), in which the user can control the operation of the image processing as desired. The above mentioned modes would control the image capturing conditions, since the image processing would be performed in accordance with the selected mode. See col. 4, line 57 – col. 5, line 45; col. 7, lines 36-52);

a storing unit (a storing unit storing a plurality of pieces of image forming instruction information unit is taught by Ichikawa by teaching that the digital camera may selectively set printer information in the smart media of the digital camera; col. 8, lines 6-9; also the memory 30 is storing photographing information and printer instructions as shown in figs. 2A and 2B) storing a plurality of pieces of image forming instruction information used when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image based on the image data (the printer would process and print the image based on the image forming instruction mode set in the image file, which the Examiner is reading as the presence of print information and the reflection mark or presence of print information without the reflection mark added to the image file. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; see also fig. 6);

a selecting unit automatically selecting a predetermined piece of image forming instruction information (The Examiner is reading the combination of elements 63B and 63C as the image forming instruction information, in which element 63B represent print information which is related to different image processing that where performed in any of the automatic or manual operation mode, and the element 63C represent a "reflection mark", which indicated whether certain image quality correction has been performed at the camera. When the printer 100 reads the information from the memory 30, the printer determines if there is a reflection

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mark in the region 63C of the memory 30, and if the reflection mark is not present to indicate that a particular image processing has been performed to the image, the printer 100 would perform image processing to the image in accordance with the print information in the memory section 63B. If the reflection mark is present in the memory section 63C, the printer would not perform further image quality correction to the image data to avoid redundancy on the image processing. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; see also fig. 6)

from among the plurality of pieces of image forming instruction information stored in said storing unit (Note that the Examiner is reading the existence of the print information in memory location 63B without the existence of the reflection mark in memory location 63C as one of the plurality of image forming instruction information, and the existence of the combination of print information in memory location 63B and reflection mark is location 63C as another one of the plurality of image forming instruction information), based on the image capturing condition set by said setting unit, the image capturing condition being the image capturing condition under which the subject was captured (as explained above, in Ichikawa, based on whether the operation modes are in either automatic or manual operation mode, the image capturing condition is changed accordingly. When in automatic mode, the camera would capture and perform image processing automatically and in Manual mode, the user is able to set different parameters that would change the image capturing condition which also represent conditions under which the subject was captured and would result in an automatic addition of the reflection mark that would indicate to the printer that certain image processing has already been performed in the camera so that the printer would not repeat the processing. Therefore, Ichikawa also discloses the automatically selection of a predetermined piece of image forming instruction information based on the image capturing condition set by said setting unit,

the image capturing condition being the image capturing condition under which the subject was captured as claimed. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 36-52; see also fig. 6); and

an outputting unit (See memory unit 30 as shown in fig. 1 or wireless communication unit 42 (output unit) as shown in fig. 3) associating the image forming instruction information selected by said selecting unit with the image data, and outputting the selected image forming instruction information in association with the image data (Ichikawa discloses that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9); and also discloses that the printing information can be selected in the camera. This discloses the limitations an outputting unit (memory 30 or wireless communication unit 42) associating the image forming instruction information selected by said selecting unit with the image data, and outputting the selected image forming instruction information in association with the image data, since the image data is stored in the image file at memory location 63D in association with the print information (in location 63B) and the reflection mark (in location 63C) so that when the printer reads the image file, would determine what type of processing would be performed to the image data (either further processing the image if the reflection mark is not present or to avoid further image processing on the processes that were already performed at the camera. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9.) (Col. 3, line 66 – col. 4, line 67; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9).

9. **Regarding claim 2**, Ichikawa discloses an electronic camera (*See camera 50 as shown in figs. 1 and 3*), comprising:

an image capturing unit (*Fig. 3: 10*) capturing an image of a subject, and outputting an image signal (*Col. 4, lines 13-24; col. 6, lines 62-65*);

an image processing unit (*AE/AWB circuit 12, A/D converter 14, Linear Matrix 16, gamma conversion 18, RGB to YCrCb conversion circuit 20, contour correction 22, YCrCb Matrix 24 and compression circuit 26 as shown in fig. 3*) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit (*See col. 4, lines 13-64*);

a shooting mode selecting unit (*See figs. 3: 84 and 5A: 84*) selecting a mode used for shooting from among a plurality of shooting modes (*Ichikawa discloses that the camera can be set into automatic mode by setting the dial 84 into automatic mode (represented by letter "A"; see also fig. 5A: 84C), in which the camera would capture the image data and automatically perform a series of image processing to the captured image data. Ichikawa also discloses that the camera can be set into a manual operation mode by setting the dial 84 into manual mode (represented by letter "M"; see also fig. 5A: 84D), in which the user can control the operation of the image processing as desired. The above mentioned modes would control the image capturing conditions, since the image processing would be performed in accordance with the selected mode. See col. 4, line 57 – col. 5, line 45; col. 7, lines 36-52*);

a storing unit (*a storing unit storing a plurality of image forming instruction mode unit is taught by Ichikawa by teaching that the digital camera may selectively set printer information in the smart media of the digital camera; col. 8, lines 6-9; also the memory 30 is storing photographing information and printer instructions as shown in figs. 2A and 2B*) storing a

plurality of image forming instruction modes used when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image based on the image data (the printer would process and print the image based on the image forming instruction mode set in the image file, which the Examiner is reading as the presence of print information and the reflection mark or presence of print information without the reflection mark added to the image file. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; see also fig. 6);

an image forming instruction mode selecting unit automatically selecting a predetermined image forming instruction mode from among the plurality of image forming instruction modes stored in said storing unit (*The Examiner is reading the combination of elements 63B and 63C as the image forming instruction mode, in which element 63B represent print information which is related to different image processing that where performed in any of the automatic or manual operation mode, and the element 63C represent a “reflection mark”, which indicated whether certain image quality correction has been performed at the camera. When the printer 100 reads the information from the memory 30, the printer determines if there is a reflection mark in the region 63C of the memory 30, and if the reflection mark is not present to indicate that a particular image processing has been performed to the image, the printer 100 would perform image processing to the image in accordance with the print information in the memory section 63B. If the reflection mark is present in the memory section 63C, the printer would not perform further image quality correction to the image data to avoid redundancy on the image processing. Therefore, the combination of the print information and the reflection mark in the image file also represent the image forming instruction mode since if both the reflection mark and the printer information are present in the file the printer would not perform image processing that was already performed at the camera (this represents a first*

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image forming instruction mode) and if the print information is present but the reflection mark is not, the printer would further perform image processing of the image data (this represents a different image forming instruction mode). See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; see also fig. 6) from among the plurality of image forming instruction mode stored in said storing unit (Note that the Examiner is reading the existence of the print information in memory location 63B without the existence of the reflection mark in memory location 63C as one of the plurality of image forming instruction mode, and the existence of the combination of print information in memory location 63B and reflection mark is location 63C as another one of the plurality of image forming instruction mode) based on the shooting mode selected by said shooting mode selecting unit, the shooting mode being the shooting mode under which the subject was captured (as explained above, in Ichikawa, based on whether the operation modes are in either automatic or manual operation mode, the image capturing condition is changed accordingly. When in automatic mode, the camera would capture and perform image processing automatically and in manual mode, the user is able to set different parameters that would change the image capturing condition which also represent conditions under which the subject was captured and would result in an automatic addition of the reflection mark that would indicate to the printer that certain image processing has already been performed in the camera so that the printer would not repeat the processing. Therefore, Ichikawa also discloses the automatically selection of a predetermined image forming instruction mode based on the shooting mode set by said shooting mode selecting unit, the shooting mode being the shooting mode under which the subject was captured as claimed. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 36-52; see also fig. 6); and

an outputting unit (*See memory unit 30 as shown in fig. 1 or wireless communication unit 42 (output unit) as shown in fig. 3*) associating the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data, and outputting the selected image forming instruction mode in association with the image data (*Ichikawa discloses that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9); and also discloses that the printing information can be selected in the camera. This discloses the limitations an outputting unit (memory 30 or wireless communication unit 42) associating the image forming instruction mode selected by said selecting unit with the image data, and outputting the selected image forming instruction mode in association with the image data, since the image data is stored in the image file at memory location 63D in association with the print information (in location 63B) and the reflection mark (in location 63C) so that when the printer read the image file, would determine what type of processing would be performed to the image data (either further processing the image if the reflection mark is not present or to avoid further image processing on the processes that were already performed at the camera. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9) (Col. 3, line 66 – col. 4, line 67; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9).*

10. **Regarding claim 3**, Ichikawa discloses an electronic camera (*See camera 50 as shown in figs. 1 and 3*), comprising:

an image capturing unit (*Fig. 3: 10*) capturing an image of a subject, and outputting an image signal (*Col. 4, lines 13-24; col. 6, lines 62-65*);

an image processing unit (*AE/AWB circuit 12, A/D converter 14, Linear Matrix 16, gamma conversion 18, RGB to YCrCb conversion circuit 20, contour correction 22, YCrCb Matrix 24 and compression circuit 26 as shown in fig. 3*) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit (*See col. 4, lines 13-64*);

an image capturing condition setting unit (*See figs. 3: 84 and 5A: 84*) setting a condition for image capturing performed by said image capturing unit based on status of the subject (*Ichikawa discloses that the camera can be set into automatic mode by setting the dial 84 into automatic mode (represented by letter "A"; see also fig. 5A: 84C), in which the camera would capture the image data and automatically perform a series of image processing to the captured image data. Ichikawa also discloses that the camera can be set into a manual operation mode by setting the dial 84 into manual mode (represented by letter "M"; see also fig. 5A: 84D), in which the user can control the operation of the image processing as desired. The above mentioned modes would control the image capturing conditions as desired by the user, since the image processing and the image capturing conditions are selected in accordance with the selected mode. See col. 4, line 57 – col. 5, line 45; col. 7, lines 36-52*);

a storing unit (*a storing unit storing a plurality of image forming instruction mode unit is taught by Ichikawa by teaching that the digital camera may selectively set printer information in the smart media of the digital camera; col. 8, lines 6-9; also the memory 30 is storing photographing information and printer instructions as shown in figs. 2A and 2B*) storing a plurality of image forming instruction modes used when an image forming apparatus (*printer as shown in fig. 1: 100*) forms a visible image based on the image data (*the printer would process and print the image based on the image forming instruction mode set in the image*

file, which the Examiner is reading as the presence of print information and the reflection mark or presence of print information without the reflection mark added to the image file. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; see also fig. 6);

an image forming instruction mode selecting unit automatically selecting a predetermined image forming instruction mode (*The Examiner is reading the combination of elements 63B and 63C as the image forming instruction mode, in which element 63B represent print information which is related to different image processing that where performed in any of the automatic or manual operation mode, and the element 63C represent a “reflection mark”, which indicated whether certain image quality correction has been performed at the camera. When the printer 100 reads the information from the memory 30, the printer determines if there is a reflection mark in the region 63C of the memory 30, and if the reflection mark is not present to indicate that a particular image processing has been performed to the image, the printer 100 would perform image processing to the image in accordance with the print information in the memory section 63B. If the reflection mark is present in the memory section 63C, the printer would not perform further image quality correction to the image data to avoid redundancy on the image processing. Therefore, the combination of the print information and the reflection mark in the image file also represent the image forming instruction mode since if both the reflection mark and the printer information are present in the file the printer would not perform image processing that was already performed at the camera (this represents a first image forming instruction mode) and if the print information is present but the reflection mark is not, the printer would further perform image processing of the image data (this represents a different image forming instruction mode). See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; see also fig. 6) from among the plurality of image forming instruction modes stored in*

said storing unit (*Note that the Examiner is reading the existence of the print information in memory location 63B without the existence of the reflection mark in memory location 63C as one of the plurality of image forming instruction mode, and the existence of the combination of print information in memory location 63B and reflection mark is location 63C as another one of the plurality of image forming instruction mode*) based on the condition for image capturing, which is set by said image capturing condition setting unit, the image capturing condition being the image capturing condition under which the subject was captured (*as explained above, in Ichikawa, based on whether the operation modes are in either automatic or manual operation mode, the image capturing condition is changed accordingly. This teaches that the user also selects the image capturing conditions. When in automatic mode, the camera would capture and perform image processing automatically and in manual mode, the user is able to set different parameters that would change the image capturing condition which also represent conditions under which the subject was captured and would result in an automatic addition of the reflection mark that would indicate to the printer that certain image processing has already been performed in the camera so that the printer would not repeat the processing. Therefore, Ichikawa also discloses the automatically selection of a predetermined image forming instruction mode based on the condition for image capturing, which is set by said image capturing condition setting unit, the image capturing condition being the image capturing condition under which the subject was captured. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 36-52; see also fig. 6*); and

an outputting unit (*See memory unit 30 as shown in fig. 1 or wireless communication unit 42 (output unit) as shown in fig. 3*) associating the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data, and

outputting the selected image forming instruction mode in association with the image data (*Ichikawa discloses that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9); and also discloses that the printing information can be selected in the camera. This discloses the limitations an outputting unit (memory 30 or wireless communication unit 42) associating the image forming instruction mode selected by said selecting unit with the image data, and outputting the selected image forming instruction mode in association with the image data, since the image data is stored in the image file at memory location 63D in association with the print information (in location 63B) and the reflection mark (in location 63C) so that when the printer read the image file, would determine what type of processing would be performed to the image data (either further processing the image if the reflection mark is not present or to avoid further image processing on the processes that were already performed at the camera. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9) (Col. 3, line 66 – col. 4, line 67; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9).*

11. **Regarding claim 4**, Ichikawa discloses an electronic camera (*See camera 50 as shown in figs. 1 and 3*), comprising:

an image capturing unit (*Fig. 3: 10*) capturing an image of a subject, and
outputting an image signal (*Col. 4, lines 13-24; col. 6, lines 62-65*);

an image processing unit (*AE/AWB circuit 12, A/D converter 14, Linear Matrix 16, gamma conversion 18, RGB to YCrCb conversion circuit 20, contour correction 22, YCrCb Matrix 24 and compression circuit 26 as shown in fig. 3*) obtaining image data in a

predetermined format based on the image signal captured by said image capturing unit
(*See col. 4, lines 13-64*);

a shooting mode selecting unit (*See figs. 3: 84 and 5A: 84*) selecting a mode used for shooting from among a plurality of shooting modes (*Ichikawa discloses that the camera can be set into automatic mode by setting the dial 84 into automatic mode (represented by letter "A"; see also fig. 5A: 84C), in which the camera would capture the image data and automatically perform a series of image processing to the captured image data. Ichikawa also discloses that the camera can be set into a manual operation mode by setting the dial 84 into manual mode (represented by letter "M"; see also fig. 5A: 84D), in which the user can control the operation of the image capturing and processing as desired. The above mentioned modes would control the image capturing conditions as desired by the user, since the image processing and the image capturing conditions are selected in accordance with the selected shooting mode. See col. 4, line 57 – col. 5, line 45; col. 7, lines 36-52*);

an image capturing condition setting unit setting a condition for image capturing performed by said image capturing unit based on status of the subject (*As discussed above, the image capturing conditions are selected or set based on the selected shooting mode. For example, if the shooting mode is in the manual mode, the user has the opportunity to adjust several parameters and perform certain processes to the image to be captured; if the automatic shooting mode is selected, the camera would automatically select certain parameters and processes to be performed to the image. Therefore, this teaches the limitations "an image capturing condition setting unit setting a condition for image capturing performed by said image capturing unit based on status of the subject", since said image capturing conditions are set in*

accordance to the selected shooting mode. See col. 4, line 57 – col. 5, line 45; col. 7, lines 36-52);

a storing unit (a storing unit storing a plurality of image forming instruction mode unit is taught by Ichikawa by teaching that the digital camera may selectively set printer information in the smart media of the digital camera; col. 8, lines 6-9; also the memory 30 is storing photographing information and printer instructions as shown in figs. 2A and 2B) storing a plurality of image forming instruction modes used when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image based on the image data (the printer would process and print the image based on the image forming instruction mode set in the image file, which the Examiner is reading as the presence of print information and the reflection mark or presence of print information without the reflection mark added to the image file. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; see also fig. 6);

an image forming instruction mode selecting unit automatically selecting a predetermined image forming instruction mode (The Examiner is reading the combination of elements 63B and 63C as the image forming instruction mode, in which element 63B represent print information which is related to different image processing that where performed in any of the automatic or manual operation mode, and the element 63C represent a “reflection mark”, which indicated whether certain image quality correction has been performed at the camera. When the printer 100 reads the information from the memory 30, the printer determines if there is a reflection mark in the region 63C of the memory 30, and if the reflection mark is not present to indicate that a particular image processing has been performed to the image, the printer 100 would perform image processing to the image in accordance with the print information in the memory section 63B. If the reflection mark is present in the memory section 63C, the printer

would not perform further image quality correction to the image data to avoid redundancy on the image processing. Therefore, the combination of the print information and the reflection mark in the image file also represent the image forming instruction mode since if both the reflection mark and the printer information are present in the file the printer would not perform image processing that was already performed at the camera (this represents a first image forming instruction mode) and if the print information is present but the reflection mark is not, the printer would further perform image processing of the image data (this represents a different image forming instruction mode). See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; see also fig. 6) from among the plurality of image forming instruction modes stored in said storing unit (Note that the Examiner is reading the existence of the print information in memory location 63B without the existence of the reflection mark in memory location 63C as one of the plurality of image forming instruction mode, and the existence of the combination of print information in memory location 63B and reflection mark is location 63C as another one of the plurality of image forming instruction mode) based on the shooting mode selected by said shooting mode selecting unit, and the condition for image capturing, which is set by said image capturing condition setting unit, the image capturing condition being the image capturing condition under which the subject was captured (as explained above, in Ichikawa, based on whether the operation modes are in either automatic or manual operation mode, the image capturing condition is changed accordingly. This teaches that the user also selects the image capturing conditions. When in automatic mode, the camera would capture and perform image processing automatically and in manual mode, the user is able to set different parameters that would change the image capturing condition which also represent conditions under which the subject was captured and would result in an automatic addition of the reflection

mark that would indicate to the printer that certain image processing has already been performed in the camera so that the printer would not repeat the processing. Therefore, Ichikawa also discloses the automatically selection of a predetermined image forming instruction mode based on the condition for image capturing, which is set by said image capturing condition setting unit, the image capturing condition being the image capturing condition under which the subject was captured. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 36-52; see also fig. 6); and

an outputting unit (See memory unit 30 as shown in fig. 1 or wireless communication unit 42 (output unit) as shown in fig. 3) associating the image forming instruction mode selected by said image forming instruction mode selecting unit with the image data, and outputting the selected image forming instruction mode in association with the image data (Ichikawa discloses that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9); and also discloses that the printing information can be selected in the camera. This discloses the limitations an outputting unit (memory 30 or wireless communication unit 42) associating the image forming instruction mode selected by said selecting unit with the image data, and outputting the selected image forming instruction mode in association with the image data, since the image data is stored in the image file at memory location 63D in association with the print information (in location 63B) and the reflection mark (in location 63C) so that when the printer read the image file, would determine what type of processing would be performed to the image data (either further processing the image if the reflection mark is not present or to avoid further image processing on the processes that were already performed at the camera. See col. 3, line

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66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9) (Col. 3, line 66 – col. 4, line 67; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9).

12. **Regarding claim 5**, Ichikawa discloses an electronic camera (*See camera 50 as shown in figs. 1 and 3*), comprising:

an image capturing unit (*Fig. 3: 10*) capturing an image of a subject, and outputting an image signal (*Col. 4, lines 13-24; col. 6, lines 62-65*);

an image processing unit (*AE/AWB circuit 12, A/D converter 14, Linear Matrix 16, gamma conversion 18, RGB to YCrCb conversion circuit 20, contour correction 22, YCrCb Matrix 24 and compression circuit 26 as shown in fig. 3*) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit (*See col. 4, lines 13-64*);

a setting unit (*See figs. 3: 84 and 5A: 84*) setting an image capturing condition for capturing the image of the subject from among a plurality of image capturing conditions to which priorities are assigned (*Ichikawa discloses that the camera can be set into automatic mode by setting the dial 84 into automatic mode (represented by letter “A”; see also fig. 5A: 84C), in which the camera would capture the image data and automatically perform a series of image processing to the captured image data. Ichikawa also discloses that the camera can be set into a manual operation mode by setting the dial 84 into manual mode (represented by letter “M”; see also fig. 5A: 84D), in which the user can control the operation of image capturing conditions and image processing as desired. The above mentioned modes would control the image capturing conditions, since the image processing would be performed in accordance with the selected mode. By teaching that in the manual mode, the user is able to control the image*

capturing conditions and image processing performed to the image and further teaching that when processes are performed in manual mode, a reflection mark is stored in memory section 63C of the image file indicating that certain processes do not to be performed in the printer side since said processes were already performed in the camera side, Ichikawa discloses that priorities are assigned to the capturing conditions (wherein having the user performing changes to the image capturing conditions and image processing is read by the Examiner as a particular priority compared to when in automatic mode, wherein the capturing conditions and image processing is performed automatically and read by the Examiner as a different priority since based on those priorities the image would be subjected to a different process (i.e. further processing the image by the printer if the image file contains the print information (in location 63B) without the reflection mark (in location 63C) or to avoid performing processes already performed in the camera if the image file contains the print information (in location 63B) with the reflection mark (in location 63C)). Therefore, Ichikawa discloses “setting an image capturing condition for capturing the image of the subject from among a plurality of image capturing conditions to which priorities are assigned” as claimed. See col. 4, line 57 – col. 5, line 45; col. 7, lines 36-52);

a storing unit (a storing unit storing a plurality of pieces of image forming instruction information unit is taught by Ichikawa by teaching that the digital camera may selectively set printer information in the smart media of the digital camera; col. 8, lines 6-9; also the memory 30 is storing photographing information and printer instructions as shown in figs. 2A and 2B) storing a plurality of pieces of image forming instruction information used when an image forming apparatus (printer as shown in fig. 1: 100) forms a visible image based on the image data (the printer would process and print the image based on the image forming

instruction mode set in the image file, which the Examiner is reading as the presence of print information and the reflection mark or presence of print information without the reflection mark added to the image file. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; see also fig. 6);

a selecting unit automatically selecting a predetermined piece of image forming instruction information (*The Examiner is reading the combination of elements 63B and 63C as the image forming instruction information, in which element 63B represent print information which is related to different image processing that where performed in any of the automatic or manual operation mode, and the element 63C represent a “reflection mark”, which indicated whether certain image quality correction has been performed at the camera. When the printer 100 reads the information from the memory 30, the printer determines if there is a reflection mark in the region 63C of the memory 30, and if the reflection mark is not present to indicate that a particular image processing has been performed to the image, the printer 100 would perform image processing to the image in accordance with the print information in the memory section 63B. If the reflection mark is present in the memory section 63C, the printer would not perform further image quality correction to the image data to avoid redundancy on the image processing. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; see also fig. 6)* from among the plurality of pieces of image forming instruction information stored in said storing unit (*Note that the Examiner is reading the existence of the print information in memory location 63B without the existence of the reflection mark in memory location 63C as one of the plurality of image forming instruction information, and the existence of the combination of print information in memory location 63B and reflection mark is location 63C as another one of the plurality of image forming instruction information*), based on a priority assigned to the

image capturing condition set by said setting unit, the image capturing condition being the image capturing condition under which the subject was captured (*as explained above, in Ichikawa, based on whether the operation modes are in either automatic or manual operation mode, the image capturing condition is changed accordingly. When in automatic mode, the camera would capture and perform image processing automatically (this being read as a particular priority since the capturing conditions would be set and the image processing performed in accordance with the automatic mode differently from the capturing conditions and the image processing performed in the manual mode) and in Manual mode, the user is able to set different parameters that would change the image capturing condition which also represent conditions under which the subject was captured and also to control the image processing performed in the camera (this being read as a different priority from the one related to the automatic mode since the capturing conditions would be set and the image processing performed in accordance with the manual mode differently from the capturing conditions and the image processing performed in the automatic mode)) and would result in an automatic addition of the reflection mark that would indicate to the printer that certain image processing has already been performed in the camera so that the printer would not repeat the processing. Therefore, Ichikawa also discloses the automatically selection of a predetermined piece of image forming instruction information based on the image capturing condition set by said setting unit, the image capturing condition being the image capturing condition under which the subject was captured as claimed. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 36-52; see also fig. 6);*

an outputting unit (See memory unit 30 as shown in fig. 1 or wireless communication unit 42 (output unit) as shown in fig. 3) associating the image forming instruction

information selected by said selecting unit with the image data, and outputting the selected image forming instruction information in association with the image data (*Ichikawa discloses that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9); and also discloses that the printing information can be selected in the camera. This discloses the limitations an outputting unit (memory 30 or wireless communication unit 42) associating the image forming instruction information selected by said selecting unit with the image data, and outputting the selected image forming instruction information in association with the image data, since the image data is stored in the image file at memory location 63D in association with the print information (in location 63B) and the reflection mark (in location 63C) so that when the printer reads the image file, would determine what type of processing would be performed to the image data (either further processing the image if the reflection mark is not present or to avoid further image processing on the processes that were already performed at the camera. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9.) (Col. 3, line 66 – col. 4, line 67; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9).* Grounds for rejecting claim 5 apply here.

13. **Regarding claim 6**, Ichikawa further discloses that the plurality of image capturing conditions include at least a mode used for shooting (*Ichikawa discloses the use of the automatic and manual modes; See col. 4, line 57 – col. 5, line 45; col. 7, lines 36-52*), and a condition for image capturing (*Ichikawa discloses that the conditions for image capturing are controlled based on the selected mode (i.e. if the camera is in the manual mode, certain*

process can be performed manually and if the camera is set in the automatic mode, the camera would control the conditions for capturing automatically). See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9.); and the mode used for shooting is assigned a priority higher than the condition for image capturing (As discussed in Ichikawa, the conditions for capturing the image are changed in accordance with the selected shooting mode, therefore, the mode for shooting has a higher priority than the condition for capturing. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9.).

14. **Regarding claim 7**, Ichikawa discloses an electronic camera system (*See fig. 1*) having an electronic camera (*See camera 50 as shown in figs. 1 and 3*), and an image forming apparatus (*printer 100 as shown in fig. 1*), wherein:

the electronic camera comprises:

an image capturing unit (*Fig. 3: 10*) capturing an image of a subject, and outputting an image signal (*Col. 4, lines 13-24; col. 6, lines 62-65*),

an image processing unit (*AE/AWB circuit 12, A/D converter 14, Linear Matrix 16, gamma conversion 18, RGB to YCrCb conversion circuit 20, contour correction 22, YCrCb Matrix 24 and compression circuit 26 as shown in fig. 3*) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit (*See col. 4, lines 13-64*),

a setting unit (*See figs. 3: 84 and 5A: 84*) setting an image capturing condition for capturing the image of the subject (*Ichikawa discloses that the camera can be set into automatic mode by setting the dial 84 into automatic mode (represented by letter "A"; see also*

fig. 5A: 84C), in which the camera would capture the image data and automatically perform a series of image processing to the captured image data. Ichikawa also discloses that the camera can be set into a manual operation mode by setting the dial 84 into manual mode (represented by letter "M"; see also fig. 5A: 84D), in which the user can control the operation of the image processing as desired. The above mentioned modes would control the image capturing conditions, since the image processing would be performed in accordance with the selected mode. See col. 4, line 57 – col. 5, line 45; col. 7, lines 36-52),

a storing unit (a storing unit storing a plurality of pieces of image forming instruction information unit is taught by Ichikawa by teaching that the digital camera may selectively set printer information in the smart media of the digital camera; col. 8, lines 6-9; also the memory 30 is storing photographing information and printer instructions as shown in figs. 2A and 2B) storing a plurality of pieces of image forming instruction information used when the image forming apparatus (printer 100 as shown in fig. 1) forms a visible image based on the image data (the printer would process and print the image based on the image forming instruction mode set in the image file, which the Examiner is reading as the presence of print information and the reflection mark or presence of print information without the reflection mark added to the image file. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; see also fig. 6),

a selecting unit (The Examiner is reading the combination of elements 63B and 63C as the image forming instruction information, in which element 63B represent print information which is related to different image processing that where performed in any of the automatic or manual operation mode, and the element 63C represent a "reflection mark", which indicated whether certain image quality correction has been performed at the camera. When the printer

100 reads the information from the memory 30, the printer determines if there is a reflection mark in the region 63C of the memory 30, and if the reflection mark is not present to indicate that a particular image processing has been performed to the image, the printer 100 would perform image processing to the image in accordance with the print information in the memory section 63B. If the reflection mark is present in the memory section 63C, the printer would not perform further image quality correction to the image data to avoid redundancy on the image processing. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; see also fig. 6)

automatically selecting a predetermined piece of image forming instruction information from among the plurality of pieces of image forming instruction information stored in said storing unit (Note that the Examiner is reading the existence of the print information in memory location 63B without the existence of the reflection mark in memory location 63C as one of the plurality of image forming instruction information, and the existence of the combination of print information in memory location 63B and reflection mark is location 63C as another one of the plurality of image forming instruction information), based on the image capturing condition set by said setting unit, the image capturing condition being the image capturing condition under which the subject was captured (as explained above, in Ichikawa, based on whether the operation modes are in either automatic or manual operation mode, the image capturing condition is changed accordingly. When in automatic mode, the camera would capture and perform image processing automatically and in Manual mode, the user is able to set different parameters that would change the image capturing condition which also represent conditions under which the subject was captured and would result in an automatic addition of the reflection mark that would indicate to the printer that certain image processing has already been performed in the camera so that the printer would not repeat the processing.

Therefore, Ichikawa also discloses the automatically selection of a predetermined piece of image forming instruction information based on the image capturing condition set by said setting unit, the image capturing condition being the image capturing condition under which the subject was captured as claimed. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 36-52; see also fig. 6); and

an outputting unit (See memory unit 30 as shown in fig. 1 or wireless communication unit 42 (output unit) as shown in fig. 3) associating the image forming instruction information selected by said selecting unit with the image data, and outputting the selected image forming instruction information in association with the image data (Ichikawa discloses that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9); and also discloses that the printing information can be selected in the camera. This discloses the limitations an outputting unit (memory 30 or wireless communication unit 42) associating the image forming instruction information selected by said selecting unit with the image data, and outputting the selected image forming instruction information in association with the image data, since the image data is stored in the image file at memory location 63D in association with the print information (in location 63B) and the reflection mark (in location 63C) so that when the printer read the image file, would determine what type of processing would be performed to the image data (either further processing the image if the reflection mark is not present or to avoid further image processing on the processes that were already performed at the camera. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9)

(Col. 3, line 66 – col. 4, line 67; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9); and

the image forming apparatus (*printer 100 as shown in fig. 1*) comprises

a reading unit (*a reading unit is inherently disclosed in Ichikawa since Ichikawa discloses that the printer receives the image data and detects the image information from the image file containing the image data, the reflection mark and the print information; col. 3, lines 13-65; col. 4, lines 13-54; col. 5, line 46 – col. 6, line 56*) reading image data to be formed as an image, and the selected image forming instruction information in association with the image data (*Ichikawa discloses that the printer detect the image information, reflection mark and print information from the image file. See col. 5, line 46 – col. 6, line 56. This teaches that the printer is reading image data to be formed as an image, and the selected image forming instruction information (in which the Examiner is reading the image forming instruction information as the existence of the print information in memory location 63B without the existence of the reflection mark in memory location 63C as one of the plurality of image forming instruction information, and the existence of the combination of print information in memory location 63B and reflection mark is location 63C as another one of the plurality of image forming instruction information) in association with the image data.*),

an image forming mode selecting unit selecting an image forming mode, which corresponds to the image forming instruction information read by said reading unit, from among a plurality of image forming modes performing an image forming process according to a different condition (*as discussed above, the printer would process and print the image based on the image forming instruction mode set in the image file, which the Examiner is reading as the presence of print information and the reflection mark or presence of print*

information without the reflection mark added to the image file. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; see also fig. 6. Also, since the image capturing conditions are set in accordance with the selected mode (either automatic or manual), and the piece of image forming instruction information are set in accordance with the selected operation mode, wherein the printer would determine what type of processing would be performed to the image data (either further processing the image if the reflection mark is not present or to avoid further image processing on the processes that were already performed at the camera, Ichikawa discloses “selecting an image forming mode, which corresponds to the image forming instruction information read by said reading unit, from among a plurality of image forming modes performing an image forming process according to a different condition” as claimed. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9.),

an image forming processing unit (See fig. 1: 62) performing an image quality forming process according to the image forming mode selected by said image forming mode selecting unit (as discussed above the printer would detect the image forming instruction and the printer would determine what type of processing would be performed to the image data (either further processing the image if the reflection mark is not present or to avoid further image processing on the processes that were already performed at the camera. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9), and

an image outputting unit (See fig. 1: 66) outputting image data for which an image process is performed by said image forming processing unit (After image processing is performed in the printer based on the detected image forming instruction information the print

engine would print a print of the processed image data. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9).

15. **Regarding claim 8**, claim 8 is a method claim of the apparatus in claim 1. The Ichikawa reference discloses the method as claimed in the apparatus of claim 1.

16. **Regarding claim 9**, claim 9 is a method claim of the apparatus in claim 2. The Ichikawa reference discloses the method as claimed in the apparatus of claim 2.

17. **Regarding claim 10**, claim 10 is a method claim of the apparatus in claim 3. The Ichikawa reference discloses the method as claimed in the apparatus of claim 3.

18. **Regarding claim 11**, claim 11 is a method claim of the apparatus in claim 4. The Ichikawa reference discloses the method as claimed in the apparatus of claim 4.

19. **Regarding claim 12**, claim 12 is a method claim of the apparatus in claim 5. The Ichikawa reference discloses the method as claimed in the apparatus of claim 5.

20. **Regarding claim 13**, claim 13 is a method claim of the apparatus in claim 7. The Ichikawa reference discloses the method as claimed in the apparatus of claim 7.

21. **Regarding claim 14**, Ichikawa discloses an electronic camera (*See camera 50 as shown in figs. 1 and 3*), comprising:

an image capturing unit (*Fig. 3: 10*) capturing an image of a subject, and outputting an image signal (*Col. 4, lines 13-24; col. 6, lines 62-65*);

an image processing unit (*AE/AWB circuit 12, A/D converter 14, Linear Matrix 16, gamma conversion 18, RGB to YCrCb conversion circuit 20, contour correction 22, YCrCb Matrix 24 and compression circuit 26 as shown in fig. 3*) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit (*See col. 4, lines 13-64*);

a shooting condition correcting unit correcting a shooting condition for exposure or image quality at the time of shooting (*Ichikawa discloses that the camera can be set into automatic mode by setting the dial 84 into automatic mode (represented by letter "A"; see also fig. 5A: 84C), in which the camera would capture the image data and automatically adjust a series of image shooting conditions and perform a series of image processing to the captured image data. Ichikawa also discloses that the camera can be set into a manual operation mode by setting the dial 84 into manual mode (represented by letter "M"; see also fig. 5A: 84D), in which the user can control the operation of the image shooting conditions and the image processing as desired. The above mentioned modes would control the image shooting conditions, since the image processing would be performed in accordance with the selected mode. See col. 4, line 57 – col. 5, line 45; col. 7, lines 36-52. Therefore, Ichikawa discloses a shooting condition correcting unit correcting a shooting condition for image quality at the time of shooting as claimed since the shooting conditions are adjusted in accordance with the selected mode.*);

a setting unit (*The Examiner is reading the combination of elements 63B and 63C as the image forming instruction information, in which element 63B represent print information which is related to different image processing that where performed in any of the automatic or manual*

operation mode, and the element 63C represent a “reflection mark”, which indicated whether certain image quality correction has been performed at the camera. When the printer 100 reads the information from the memory 30, the printer determines if there is a reflection mark in the region 63C of the memory 30, and if the reflection mark is not present to indicate that a particular image processing has been performed to the image, the printer 100 would perform image processing to the image in accordance with the print information in the memory section 63B. If the reflection mark is present in the memory section 63C, the printer would not perform further image quality correction to the image data to avoid redundancy on the image processing. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; see also fig. 6) automatically setting correction instruction information for instructing a correction for a process performed when an image forming apparatus forms a visible image from the image data (Note that the Examiner is reading the existence of the print information in memory location 63B without the existence of the reflection mark in memory location 63C as one of the plurality of correction instruction information, and the existence of the combination of print information in memory location 63B and reflection mark is location 63C as another one of the plurality of correction instruction information), based on the shooting condition corrected by said shooting condition correcting unit, the shooting condition being the shooting condition under which the subject was captured (as explained above, in Ichikawa, based on whether the operation modes are in either automatic or manual operation mode, the image capturing condition is changed accordingly. When in automatic mode, the camera would capture and perform image processing automatically and in Manual mode, the user is able to set different parameters that would change the image capturing condition which also represent conditions under which the subject was captured and would result in an automatic addition of the reflection

mark that would indicate to the printer that certain image processing has already been performed in the camera so that the printer would not repeat the processing. Therefore, Ichikawa also discloses the automatically selection of a predetermined correcting instruction information based on the image capturing condition set by said setting unit, the shooting condition being the shooting condition under which the subject was captured as claimed. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 36-52; see also fig. 6); and

an outputting unit (See memory unit 30 as shown in fig. 1 or wireless communication unit 42 (output unit) as shown in fig. 3) associating the set correction instruction information (the presence of the print information with the reflection mark or the presence of print information without the reflection mark) for instructing a correction for a process performed when the image forming apparatus forms a visible image, which is set by said setting unit, with the image data and outputting the correction instruction information in association with the image data (Ichikawa discloses that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9); and also discloses that the printing information can be selected in the camera. This discloses the limitations an outputting unit (memory 30 or wireless communication unit 42) associating the correction instruction information selected by said selecting unit with the image data, and outputting the selected correction instruction information in association with the image data, since the image data is stored in the image file at memory location 63D in association with the print information (in location 63B) and the reflection mark (in location 63C) so that when the printer read the image file, would determine what type of

processing would be performed to the image data (either further processing the image if the reflection mark is not present or to avoid further image processing on the processes that were already performed at the camera. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9) (Col. 3, line 66 – col. 4, line 67; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9).

22. **Regarding claim 15**, claim 15 is written as a Markush type claim by using the expression "... includes at least any of a grayscale process, a color process, and a sharpness process", meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Ichikawa discloses that the setting unit sets correction instruction information for instructing whether or not to make a correction for each process that includes a color process, and a sharpness process (*See figs. 2A and 2B*), which are performed when an image forming apparatus (*printer as shown in fig. 1: 100*) forms a visible image from the image data, based on the shooting condition corrected by said shooting condition correcting unit (*Ichikawa discloses that the printer detect the image information, reflection mark and print information from the image file. See col. 5, line 46 – col. 6, line 56. This teaches that the printer is reading image data to be formed as an image, and the selected image forming instruction information (in which the Examiner is reading the correcting instruction information as the existence of the print information in memory location 63B without the existence of the*

reflection mark in memory location 63C as one of the plurality of correcting instruction information, and the existence of the combination of print information in memory location 63B and reflection mark is location 63C as another one of the plurality of image forming instruction information) in association with the image data. Ichikawa further discloses that when the printer reads the image file, it would determine what type of processing would be performed to the image data (either further processing the image if the reflection mark is not present or to avoid further image processing on the processes that were already performed at the camera. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9).

Grounds for rejecting claim 14 apply here.

23. Regarding claim 16, Ichikawa further discloses that the setting unit sets correction instruction information for instructing corrections for a plurality of combined processes (*Note in fig. 2A and 2B a plurality of processes is present in the memory location 63B, which would indicate a plurality of combined processes*) performed when an image forming apparatus (*printer as shown in fig. 1: 100*) forms a visible image from the image data, based on the shooting condition corrected by said shooting condition correcting unit (*As discusses in claim 15, Ichikawa discloses that the printer detect the image information, reflection mark and print information from the image file. See col. 5, line 46 – col. 6, line 56. This teaches that the printer is reading image data to be formed as an image, and the selected image forming instruction information (in which the Examiner is reading the image forming instruction information as the existence of the print information in memory location 63B without the existence of the reflection mark in memory location 63C as one of the plurality of correcting instruction information, and the existence of the combination of print information in memory*

location 63B and reflection mark is location 63C as another one of the plurality of correcting instruction information) in association with the image data. Ichikawa further discloses the when the printer reads the image file, it would determine what type of processing would be performed to the image data (either further processing the image if the reflection mark is not present or to avoid further image processing on the processes that were already performed at the camera. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9). Grounds for rejecting claims 14 and 15 apply here.

24. **Regarding claim 17**, Ichikawa discloses an electronic camera system having an electronic camera (*See camera 50 as shown in figs. 1 and 3*) and an image forming apparatus (*printer 100 as shown in fig. 1*), wherein:

the electronic camera comprise

an image capturing unit (*Fig. 3: 10*) capturing an image of a subject, and outputting an image signal (*Col. 4, lines 13-24; col. 6, lines 62-65*);

an image processing unit (*AE/AWB circuit 12, A/D converter 14, Linear Matrix 16, gamma conversion 18, RGB to YCrCb conversion circuit 20, contour correction 22, YCrCb Matrix 24 and compression circuit 26 as shown in fig. 3*) obtaining image data in a predetermined format based on the image signal captured by said image capturing unit (*See col. 4, lines 13-64*);

a shooting condition correcting unit correcting a shooting condition for exposure or image quality at the time of shooting (*Ichikawa discloses that the camera can be set into automatic mode by setting the dial 84 into automatic mode (represented by letter "A"; see also fig. 5A: 84C), in which the camera would capture the image data and automatically adjust a*

series of image shooting conditions and perform a series of image processing to the captured image data. Ichikawa also discloses that the camera can be set into a manual operation mode by setting the dial 84 into manual mode (represented by letter “M”; see also fig. 5A: 84D), in which the user can control the operation of the image shooting conditions and the image processing as desired. The above mentioned modes would control the image shooting conditions, since the image processing would be performed in accordance with the selected mode. See col. 4, line 57 – col. 5, line 45; col. 7, lines 36-52. Therefore, Ichikawa discloses a shooting condition correcting unit correcting a shooting condition for image quality at the time of shooting as claimed since the shooting conditions are adjusted in accordance with the selected mode.);

a setting unit (The Examiner is reading the combination of elements 63B and 63C as the image forming instruction information, in which element 63B represent print information which is related to different image processing that where performed in any of the automatic or manual operation mode, and the element 63C represent a “reflection mark”, which indicated whether certain image quality correction has been performed at the camera. When the printer 100 reads the information from the memory 30, the printer determines if there is a reflection mark in the region 63C of the memory 30, and if the reflection mark is not present to indicate that a particular image processing has been performed to the image, the printer 100 would perform image processing to the image in accordance with the print information in the memory section 63B. If the reflection mark is present in the memory section 63C, the printer would not perform further image quality correction to the image data to avoid redundancy on the image processing. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; see also fig. 6) automatically setting correction instruction information for instructing a correction for a process performed when an image forming apparatus forms a visible image from the image data

(Note that the Examiner is reading the existence of the print information in memory location 63B without the existence of the reflection mark in memory location 63C as one of the plurality of correction instruction information, and the existence of the combination of print information in memory location 63B and reflection mark is location 63C as another one of the plurality of correction instruction information), based on the shooting condition corrected by said shooting condition correcting unit, the shooting condition being the shooting condition under which the subject was captured (as explained above, in Ichikawa, based on whether the operation modes are in either automatic or manual operation mode, the image capturing condition is changed accordingly. When in automatic mode, the camera would capture and perform image processing automatically and in Manual mode, the user is able to set different parameters that would change the image capturing condition which also represent conditions under which the subject was captured and would result in an automatic addition of the reflection mark that would indicate to the printer that certain image processing has already been performed in the camera so that the printer would not repeat the processing. Therefore, Ichikawa also discloses the automatically selection of a predetermined correcting instruction information based on the image capturing condition set by said setting unit, the shooting condition being the shooting condition under which the subject was captured as claimed. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 36-52; see also fig. 6); and

an outputting unit (See memory unit 30 as shown in fig. 1 or wireless communication unit 42 (output unit) as shown in fig. 3) associating the set correction instruction information (the presence of the print information with the reflection mark or the presence of print information without the reflection mark) for instructing a correction for a process performed

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when the image forming apparatus forms a visible image, which is set by said setting unit, with the image data and outputting the correction instruction information in association with the image data (*Ichikawa discloses that the memory unit 30 or wireless communication unit 42 (output unit) associates the printing information based on the photographing information (see figs. 2A and 2B) (col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9); and also discloses that the printing information can be selected in the camera. This discloses the limitations an outputting unit (memory 30 or wireless communication unit 42) associating the correction instruction information selected by said selecting unit with the image data, and outputting the selected correction instruction information in association with the image data, since the image data is stored in the image file at memory location 63D in association with the print information (in location 63B) and the reflection mark (in location 63C) so that when the printer read the image file, would determine what type of processing would be performed to the image data (either further processing the image if the reflection mark is not present or to avoid further image processing on the processes that were already performed at the camera. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9) (Col. 3, line 66 – col. 4, line 67; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9); and*

the image forming apparatus (*printer 100 as shown in fig. 1*) comprises
a reading unit (*a reading unit is inherently disclosed in Ichikawa since Ichikawa discloses that the printer receives the image data and detects the image information from the image file containing the image data, the reflection mark and the print information; col. 3, lines 13-65; col. 4, lines 13-54; col. 5, line 46 – col. 6, line 56*) reading image data to be formed as an image, and the set correction instruction information in association with the image

data (*Ichikawa discloses that the printer detect the image information, reflection mark and print information from the image file. See col. 5, line 46 – col. 6, line 56. This teaches that the printer is reading image data to be formed as an image, and the selected correction instruction information (in which the Examiner is reading the image forming instruction information as the existence of the print information in memory location 63B without the existence of the reflection mark in memory location 63C as one of the plurality of correction instruction information, and the existence of the combination of print information in memory location 63B and reflection mark is location 63C as another one of the plurality of correction instruction information) in association with the image data.*),

an image forming processing unit performing an image quality forming process based on the correction instruction information read by said reading unit (*the printer would process and print the image based on the correction instruction mode set in the image file, which the Examiner is reading as the presence of print information and the reflection mark or presence of print information without the reflection mark added to the image file. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; see also fig. 6. The image capturing conditions are set in accordance with the selected mode (either automatic or manual), and the plurality of correction instruction information are set in accordance with the selected operation mode, wherein the printer would determine what type of processing would be performed to the image data (either further processing the image if the reflection mark is not present or to avoid further image processing on the processes that were already performed at the camera), and*

an outputting unit (*See fig. 1: 66*) outputting the image data for which the image process is performed by said image forming processing unit (*After image processing is performed in the printer based on the detected image forming instruction information the print*

engine would print a print of the processed image data. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9).

25. **Regarding claim 18**, claim 18 is written as a Markush type claim by using the expression "... includes at least any of a grayscale process, a color process, and a sharpness process", meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Ichikawa further discloses that the setting unit sets correction instruction information for instructing whether or not to make a correction for each process that includes a color process, and a sharpness process (*See figs. 2A and 2B*), which are performed when an image forming apparatus (*printer as shown in fig. 1: 100*) forms a visible image from the image data, based on the shooting condition corrected by said shooting condition correcting unit (*Ichikawa discloses that the printer detect the image information, reflection mark and print information from the image file. See col. 5, line 46 – col. 6, line 56. This teaches that the printer is reading image data to be formed as an image, and the selected image forming instruction information (in which the Examiner is reading the correcting instruction information as the existence of the print information in memory location 63B without the existence of the reflection mark in memory location 63C as one of the plurality of correcting instruction information, and the existence of the combination of print information in memory location 63B and reflection mark is location 63C as another one of the plurality of image*

forming instruction information) in association with the image data. Ichikawa further discloses the when the printer reads the image file, it would determine what type of processing would be performed to the image data (either further processing the image if the reflection mark is not present or to avoid further image processing on the processes that were already performed at the camera. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9). Grounds for rejecting claim 17 apply here.

26. **Regarding claim 19**, Ichikawa further discloses that the setting unit sets correction instruction information for instructing corrections for a plurality of combined processes (*Note in fig. 2A and 2B a plurality of processes is present in the memory location 63B, which would indicate a plurality of combined processes*) performed when an image forming apparatus (*printer as shown in fig. 1: 100*) forms a visible image from the image data, based on the shooting condition corrected by said shooting condition correcting unit (*As discusses in claim 18, Ichikawa discloses that the printer detect the image information, reflection mark and print information from the image file. See col. 5, line 46 – col. 6, line 56. This teaches that the printer is reading image data to be formed as an image, and the selected image forming instruction information (in which the Examiner is reading the image forming instruction information as the existence of the print information in memory location 63B without the existence of the reflection mark in memory location 63C as one of the plurality of correcting instruction information, and the existence of the combination of print information in memory location 63B and reflection mark is location 63C as another one of the plurality of correcting instruction information) in association with the image data. Ichikawa further discloses the when the printer reads the image file, it would determine what type of processing would be performed*

to the image data (either further processing the image if the reflection mark is not present or to avoid further image processing on the processes that were already performed at the camera. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9). Grounds for rejecting claims 17 and 18 apply here.

27. **Regarding claim 20**, claim 20 is a method claim of the apparatus in claim 14. The Ichikawa reference discloses the method as claimed in the apparatus of claim 14.

28. **Regarding claim 21**, claim 21 is a method claim of the apparatus in claim 17. The Ichikawa reference discloses the method as claimed in the apparatus of claim 17.

29. **Regarding claim 48**, Ichikawa further discloses that the outputting unit automatically associates the image forming instruction information selected by said image forming instruction information selecting unit with the image data (*Ichikawa discloses that the camera would automatically include the image forming instruction information (either print information with the reflection mark or the print information without the reflection mark) in accordance with the selected mode controlling the image capturing conditions. See figs. 2A and 2B, and also col. 3, lines 49-65; col. 4, lines 13-67; col. 6, line 23 – col. 7, line 52; col. 8, lines 6-9*), and outputs, to the image forming apparatus (*printer 100 as shown in fig. 1*), the image forming instruction information in association with the image data such that the image forming apparatus uses, automatically, the selected piece of image forming instruction information when forming the visible image based on the image data (*Ichikawa discloses that when the printer reads the image file, would automatically determine*

what type of processing would be performed to the image data (either further processing the image if the reflection mark is not present or to avoid further image processing on the processes that were already performed at the camera. This reads on the limitations “the image forming instruction information in association with the image data such that the image forming apparatus uses, automatically, the selected piece of image forming instruction information when forming the visible image based on the image data” as claimed. See col. 3, line 66 - col. 4, line 12; col. 5, line 46 – col. 6, line 56; col. 7, lines 21-52; col. 8, lines 6-9.).

- 30. **Regarding claim 49**, limitations have been discussed and analyzed in claim 1.
- 31. **Regarding claim 50**, limitations have been discussed and analyzed in claim 2.
- 32. **Regarding claim 51**, limitations have been discussed and analyzed in claim 3.
- 33. **Regarding claim 52**, limitations have been discussed and analyzed in claim 4.
- 34. **Regarding claim 53**, limitations have been discussed and analyzed in claim 5.
- 35. **Regarding claim 54**, limitations have been discussed and analyzed in claim 7.
- 36. **Regarding claim 55**, limitations have been discussed and analyzed in claim 8.
- 37. **Regarding claim 56**, limitations have been discussed and analyzed in claim 9.

- 38. **Regarding claim 57**, limitations have been discussed and analyzed in claim 10.
- 39. **Regarding claim 58**, limitations have been discussed and analyzed in claim 11.
- 40. **Regarding claim 59**, limitations have been discussed and analyzed in claim 12.
- 41. **Regarding claim 60**, limitations have been discussed and analyzed in claim 13.
- 42. **Regarding claim 61**, limitations have been discussed and analyzed in claim 14.
- 43. **Regarding claim 62**, limitations have been discussed and analyzed in claim 17.
- 44. **Regarding claim 63**, limitations have been discussed and analyzed in claim 20.
- 45. **Regarding claim 64**, limitations have been discussed and analyzed in claim 21.

Conclusion

- 46. Because new grounds of rejections have been presented to unamended **claims 1-21, and 48-64**, this Office Action is made **NON-FINAL**.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernández Hernández whose telephone number is (571)272-7311. The examiner can normally be reached on 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Examiner
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NDHH
October 17, 2008

/Lin Ye/
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